

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLIFTON FLOWERS,)	
Petitioner-Defendant,)	
)	
v.)	No. 08 CV 265
)	
UNITED STATES,)	Judge Zagel
Respondent.)	

GOVERNMENT'S MOTION TO AMEND DOCKET ENTRY

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves pursuant to Fed. R. Civ. P. 59(e) to amend this Court's February 21, 2008, docket entry, and states as follows:

1. Petitioner-Defendant Clifton Flowers filed a motion on or about January 11, 2008, to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255.
2. On January 28, 2008, the government filed a motion to dismiss the Section 2255 petition as untimely, because Flowers filed his motion well over one year after the Seventh Circuit issued its mandate, affirming Flowers's conviction and sentence. The government also moved, in the alternative, to deny Flowers's petition on the merits.
3. On February 21, 2008, this Court issued an opinion, finding that Flowers's motion was untimely. The Court's ruling further stated that "even a timely petition would be of no use to Petitioner," and explained why Flowers's petition failed on the merits. The docket entry text accompanying the Court's order states, "Motion to dismiss is [5] denied, in the alternative, the Section 2255 petition is denied."
4. Given the Court's explanations, it appears that the Court intended to *grant* the government's motion to dismiss the Section 2255 petition as untimely, and in the alternative, to deny

Flowers's petition on its merits. Although the Court's explanations are clear, the government requests, pursuant to Fed. R. Civ. P. 59(e), that the Court amend and clarify the docket entry text in the event that Flowers seeks further review.

WHEREFORE, the government requests that the Court amend the docket entry text for its February 21, 2008 Judgment to state, "Motion to dismiss is [5] granted because the Section 2255 petition is untimely, and in the alternative, the Section 2255 petition is denied."

Dated: March 3, 2008

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/ Julie B. Ruder
JULIE B. RUDER
Assistant United States Attorney
219 S. Dearborn St., Room 500
Chicago, Illinois 60604
(312) 886-1317

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

Government's Motion to Amend Docket Entry

was served pursuant to the district court's ECF system as to ECF filers, if any, and was sent by first-class mail on March 3, 2008, to the following non-ECF filers:

Clifton Flowers
Reg. No. 17212-424
Reeves County Detention Center III
P.O. Box 2038
Pecos, TX 79772

s/ Julie B. Ruder
JULIE B. RUDER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois
(312) 886-1317